

rights disputes relating to domain names, including which jurisdictions should be available for trademark and intellectual property rights owners to file suit to protect such trademarks and intellectual property rights;

(5) trademark and intellectual property rights infringement liability for registrars, registries, or technical management bodies; and

(6) short-term and long-term technical and policy options for Internet addressing schemes and the impact of such options on current trademark and intellectual property rights issues.

(c) COOPERATION WITH STUDY.—

(1) INTERAGENCY COOPERATION.—The Secretary of Commerce shall—

(A) direct the Patent and Trademark Office, the National Telecommunications and Information Administration, and other Department of Commerce entities to cooperate fully with the National Research Council in its activities in carrying out the study under this section; and

(B) request all other appropriate Federal departments, Federal agencies, Government contractors, and similar entities to provide similar cooperation to the National Research Council.

(2) PRIVATE CORPORATION COOPERATION.—The Secretary of Commerce shall request that any private, not-for-profit corporation established to manage the Internet root server system and the top-level domain names provide similar cooperation to the National Research Council.

(d) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the National Research Council shall complete the study under this section and submit a report on the study to the Secretary of Commerce. The report shall set forth the findings, conclusions, and recommendations of the Council concerning the effects of adding new generic top-level domains and related dispute resolution procedures on trademark and intellectual property rights holders.

(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the date on which the report is submitted to the Secretary of Commerce, the Secretary shall submit the report to the Committees on Commerce and the Committees on the Judiciary of the Senate and House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$800,000 for the study conducted under this Act.

Mr. LOTT. Mr. President, I will go to the closing script now, unless there are any other issues pending. When I get to the close of this, we will have a final speaker today, Senator GORTON, and I appreciate his patience.

#### ORDERS FOR MONDAY, JULY 6, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 297. I further ask that when the Senate reconvenes on Monday, July 6 at 12 noon, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 5 minutes each with the following exceptions: Senator LIEBERMAN, 30 minutes; Senator LOTT, or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. LOTT. For the information of all Senators, when the Senate reconvenes on Monday, July 6, at 12 noon, there will be a period for morning business until 1. Following morning business, it will be my intention for the Senate to begin consideration of the VA/HUD Appropriations bill. I had earlier indicated that we might go directly to the Department of Defense Appropriations bill, but one of the managers will be necessarily absent. So we will go to the VA/HUD appropriations bill. It is hoped that Members will come to the floor during Monday's session to offer and debate amendments to the VA/HUD bill. We need to get a number of appropriations bills done in July, and if we could get this one done, working on Monday and Tuesday of that week—certainly not more than Thursday—that would be helpful. There will be no votes, though, during Monday's session.

Any votes ordered with respect to the VA/HUD Appropriations bill will be postponed to occur on Tuesday, July 7, at a time to be determined by the two leaders. A cloture motion was filed on the motion to proceed to the products liability bill, with a vote to occur Tuesday morning at 9:30 a.m. Also, on Tuesday evening, the Senate may vote on the IRS reform conference report. When I say Tuesday evening, I mean probably night.

Finally, I remind all Members that July will be a very busy month. We will have late night sessions during each week. We should expect to have votes on most Mondays and Fridays. The cooperation of all Members will be necessary for us to complete our work prior to the August recess.

#### ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of H. Con. Res. 297, following the remarks of Senator GORTON of Washington.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

#### THE BATTLE AGAINST MICROSOFT

Mr. GORTON. Mr. President, my colleague, the senior Senator from Utah came to the Senate floor earlier today to continue his lonely and increasingly unsuccessful battle against Microsoft. His statement comes one day after the successful release of Microsoft's latest operating system software, Windows 98, and only three days after Microsoft won a major victory in a ruling by a three-judge panel of the Circuit Court of Appeals for the District of Columbia.

Senator HATCH said this morning that he is disappointed that Microsoft "has regrettably seen fit to deploy a massive PR campaign, as opposed to engaging the American public on the basis of the facts and the merits."

I find Senator HATCH's comments interesting, given that the appeals court panel took a long hard look at the very facts that Senator HATCH and the Department of Justice claim Microsoft is hiding and ruled that Microsoft's integration of Internet Explorer in Windows 95 is not a violation of U.S. antitrust law or of the 1995 consent decree. The ruling is significant because it covers the same issue that is the central focus of the Justice Department's current case against Microsoft—whether Microsoft can innovate by integrating new products, namely Internet Explorer, into Windows 98.

The Senator from Utah and the Department of Justice would have barred Windows 98 in its present form, frustrating millions of potential customers and imposing a major roadblock—the first major roadblock—in the way of the continuing triumph of American technology in this most cutting edge of all of our industries.

So Senator HATCH, instead, announced that his Judiciary Committee will examine those facts even further, in the hope, apparently, of finding something that the appeals court missed, or, as he explains in his statement, of finding a new issue with which to attack Microsoft.

The proper course of action would be precisely the opposite—the abandonment by both the Department of Justice and the chairman of the Judiciary Committee of an unsuccessful and wrongly directed crusade against the advancement of American technology.

I believe we are now relatively assured that the Department of Justice will not get the extra \$7 million above the President's budget request that it asked for to pursue just this course. These actions are a waste of the taxpayers' money and represent the use of the taxpayers' money for the pursuit of private antitrust remedies which, if they are appropriate at all, should be financed by the competitors who seek them.

Regrettably, Mr. President, Senator HATCH and the Department of Justice are little interested in the facts or merits of the case but purely interested in bringing the most successful software company in the Nation to its knees, so that less successful, less competitive companies, that do not have the ability to succeed on their own, can do so with the help of the Clinton administration's Justice Department aided and abetted by the senior Senator from Utah.

Senator HATCH also discussed the release of a paper this week by the Software Publisher's Association attacking Microsoft's server business. Interestingly enough, this paper was released just 10 days after Microsoft's biggest competitor in the server business, Sun Microsystems, joined the Association.

The SPA paper claims that Microsoft is attempting to leverage its market dominance in desktop computer operating systems to gain control of the market for network servers with Windows NT.

Mr. President, Windows NT has enjoyed great success because it offers the price and performance Microsoft's customers demand. Microsoft Windows NT and the PC model have enabled a new generation of lower-priced computing for businesses worldwide. In fact, a recent study by the Business Research Group found that corporate systems based on Windows NT Server cost 52 percent less than comparable systems from Microsoft's biggest competitor.

It is not rocket science to determine that Microsoft's success is due to its ability to provide high performance software at low prices. That Senator HATCH and Microsoft's competitors represented by the Software Publishers Association want the American people to believe that Microsoft should be punished for providing consumers want at prices consumers like is to turn the public interest on its head.

Senator HATCH and the Justice Department are fighting a losing battle, but in the process, are trampling on an American principle I and millions of Americans like me hold dear. That principle is that the free market economy, where innovation and unhindered competition have made this country the most successful economy in the world, should continue untrammelled by either Senator HATCH or the Clinton Justice Department.

#### ADJOURNMENT UNTIL MONDAY, JULY 6, 1998

The PRESIDING OFFICER. Under the previous order, the Senate is now adjourned until 12 noon, July 6, 1998.

Thereupon, the Senate, at 2:15 p.m., adjourned until Monday, July 6, 1998, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate June 26, 1998:

#### EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN G. ESSERMAN, OF MARYLAND, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JEFFERY M. LANG, RESIGNED.

#### DEPARTMENT OF STATE

RICHARD E. HECKLINGER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

THEODORE H. KATTOUTF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be rear admiral

CAPT. MARIANNE B. DREW, 0000.  
CAPT. MARK R. FEICHTINGER, 0000.  
CAPT. JOHN A. JACKSON, 0000.  
CAPT. SAM H. KUPRESIN, 0000.  
CAPT. JOHN P. MCCLAUGHLIN, 0000.  
CAPT. JAMES B. PLEHAL, 0000.  
CAPT. MARKE R. SHELLEY, 0000.

#### CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 26, 1998:

#### DEPARTMENT OF STATE

NANCY E. SODERBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

NANCY E. SODERBERG, OF THE DISTRICT OF COLUMBIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

#### UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

VIVIAN LOWERY DERRYCK, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

#### DEPARTMENT OF STATE

SHIRLEY ELIZABETH BARNES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CHARLES RICHARD STITH, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

ERIC S. EDELMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

NANCY HALLIDAY ELY-RAPHEL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

WILLIAM DAVIS CLARKE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAOR-

DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

GEORGE WILLIFORD BOYCE HALEY, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

KATHERINE HUBAY PETERSON, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

JOHN O'LEARY, OF MAINE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

MICHAEL CRAIG LEMMON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

RUDOLF VILEM PERINA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

PAUL L. CEJAS, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

CYNTHIA PERRIN SCHNEIDER, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

KENNETH SPENCER YALOWITZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

#### FEDERAL ENERGY REGULATORY COMMISSION

WILLIAM LLOYD MASSEY, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2003.

#### DEPARTMENT OF COMMERCE

MICHAEL J. COPPS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

AWILDA R. MARQUEZ, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE, AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

#### THE JUDICIARY

A. HOWARD MATZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

VICTORIA A. ROBERTS, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. JACK W. KLIMP, 0000.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOHN M. O'KEEFE, OF MARYLAND